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EXAMINER	
NORDMEYER, PATRICIA L	

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
11/02/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/529,903	Applicant(s) WADA ET AL.	
	Examiner Patricia L. Nordmeyer	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Repeated Rejections***

1. The 35 U.S.C. 103(a) rejection of claims 1 – 3, 6 and 9 – 12 over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) in the office action dated July 16, 2007 is repeated as Applicant's arguments and amendments in the response September 18, 2007 are found to be unpersuasive. The rejection is repeated below for Applicant's convenience.

With regard to the limitation of the wherein a width of gap between each turn continuously increases from an innermost layer with respect to the core tube, to an outermost layer, with respect to the core tube, it is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape that would have been unforeseen or even an unforeseen result to one of ordinary skill in the art. Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape of the adhesive sheet to vary the width. One skilled in the art would have been motivated to do so in order to have the sheets fit smoothly around the core of the adhesive roller. MPEP 2144.04.

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Riboud discloses an adhesive roll cleaner (Figures 1 – 5; Column 1, lines 23 – 24) comprising a core tube including a plurality of adhesive tapes (Column 2, lines 8 – 14), each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion (Column 2, lines 1 – 5), each of the adhesive tapes being helically wound (Column 2, lines 8 – 11, wherein spirally is the same as helically) around the core tube in a layered configuration with the adhesive portion out (Column 2, lines 1 – 5) and each of the adhesive tapes being wound with a gap of prescribed width between every adjacent turn (Column 2, lines 13 – 14) as in claims 1 and 11. However, Riboud fails to teach the adhesive tape having different widths, the adhesive tape is located at an upper layer having a larger width than that of the adhesive tape which is located at the lower layer, the width of the adhesive tapes increases stepwise toward the upper layer, the adhesive tapes each have a non-adhesive portion with no adhesive applied on both longitudinal sides of the adhesive tape, the positions of the gaps are different between adjacent layers in the thickness direction, wherein the width of the of the adhesive tapes in each layer stepwise increases and the adhesive tapes within a group all have a same width and the adhesive tapes having different widths being arranged such that the width of the adhesive tapes stepwise increases toward an outside so that the adhesive tape that is lowest has the smallest width and an adhesive tape that is uppermost has a largest width, and a width of an adhesive tape which is positioned in the middle of the uppermost and lowest adhesive tapes is between the largest and smallest width and the angle of winding increases from the lower layer to the upper layer.

Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the

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length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12), the positions of the perforations are different between adjacent layers in the thickness direction (Figure 4, #32) and the adhesive tapes each have a non-adhesive portion with no adhesive applied on both longitudinal sides of the adhesive tape (Column 2, lines 23 – 29) as part of a lint removal tape (Column 4, line 63) for the purpose of having an outermost sheet that covers the perforations of the underneath layers which reduces instances of the tape tearing in a downweb direction (Column 1, lines 59 – 63).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the a upper layer having an increasing larger length the lower adhesive tape and the adhesive tape having non-adhesive portions in Riboud in order to have an outermost sheet that covers the perforations of the underneath layers which reduces instances of the tape tearing in a downweb direction as taught by Wood.

With regard to the limitations of “wherein the width of the of the adhesive tapes in each layer stepwise increases and the adhesive tapes within a group all have a same width and the adhesive tapes having different widths being arranged such that he width of the adhesive tapes stepwise increases toward an outside so that the adhesive tape that is lowest has the smallest width and an adhesive tape that is uppermost has a largest width, and a width of an adhesive tape which is positioned in the middle of the uppermost and lowest adhesive tapes is between the largest and smallest width and the angle of winding increases from the lower layer to the upper layer”, it is well settled that a particular shape of a prior invention carries no patentable weight

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unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape that would have been unforeseen or even an unforeseen result to one of ordinary skill in the art. Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape of the adhesive sheet to vary the width. One skilled in the art would have been motivated to do so in order to have the sheets fit smoothly around the core of the adhesive roller. MPEP 2144.04.

2. The 35 U.S.C. 103(a) rejection of claims 4 and 5 over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) and Shizuno et al. (US PGPub 2003/0088928) in the office action dated July 16, 2007 is repeated as Applicant's arguments and amendments in the response September 18, 2007 are found to be unpersuasive. The rejection is repeated below for Applicant's convenience.

Riboud, as modified with Wood, discloses an adhesive roll cleaner comprising a core tube and a plurality of adhesive tapes, each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion, each of the adhesive tapes being helically wound around the core tube in a layered configuration with the adhesive portion out, each of the

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adhesive tapes being would with a gap of prescribed with between every adjacent turn and the adhesive tape which is located at the upper layer having a larger width than that of the adhesive tape which is located at the lower layer. However, the modified Riboud fails to disclose the gap being between a width of 0.1 to 4.0 mm and the adhesive tapes each have a tear strength of 500 mN or greater as measured with an Elmendorf tear test in accordance with JIS P8116.

Shizuno et al. teach an adhesive roll cleaner that has a gap being between a width of 0.1 to 4.0 mm (Page 2, Paragraph 0018) and the adhesive tapes each have a tear strength of 500 mN or greater as measured with an Elmendorf tear test in accordance with JIS P8116 (Page 2, Paragraph 0021) for the purpose of preventing tearing of the adhesive sheet due to clinging debris (Page 2, Paragraph 0024).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the gap and tear strength in the modified Riboud in order to prevent tearing of the adhesive sheet due to clinging debris as taught by Shizuno et al.

3. The 35 U.S.C. 103(a) rejection of claims 7 and 8 over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) and Hukuba (USPN 5,548,861) in the office action dated July 16, 2007 is repeated as Applicant's arguments and amendments in the response September 18, 2007 are found to be unpersuasive. The rejection is repeated below for Applicant's convenience.

Riboud, as modified with Wood, discloses an adhesive roll cleaner comprising a core

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tube and a plurality of adhesive tapes, each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion, each of the adhesive tapes being helically wound around the core tube in a layered configuration with the adhesive portion out, each of the adhesive tapes being wound with a gap of prescribed width between every adjacent turn and the adhesive tape which is located at the upper layer having a larger width than that of the adhesive tape which is located at the lower layer. However, the modified Riboud fails to disclose each adhesive tape including a mark indicative of a peel position and where the mark is on a longitudinal side area not including adhesive.

Hukuba teaches each adhesive tape including a mark indicative of a peel position (Figure 6, #8) and where tape has a longitudinal side not including adhesive (Figure 3, #13) for the purpose of indicating the direction along which the sheet is taken or the sheet winding direction (Column 8, lines 13 – 15).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the marking in the modified Riboud in order to indicate the direction along which the sheet is taken or the sheet winding direction as taught by Hukuba.

Hukuba discloses the claimed invention except for the mark is on a longitudinal side area not including adhesive. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the mark on the longitudinal side area not including



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adhesive, since it has been held that rearranging parts of an invention involves only routine skill in the art. MPEP 2144.04.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038).

Riboud discloses an adhesive roll cleaner (Figures 1 – 5; Column 1, lines 23 – 24) comprising a core tube including a plurality of adhesive tapes (Column 2, lines 8 – 14), each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion (Column 2, lines 1 – 5), each of the adhesive tapes being helically wound (Column 2, lines 8 – 11, wherein spirally is the same as helically) around the core tube in a layered configuration with the adhesive portion out (Column 2, lines 1 – 5) and each of the adhesive tapes being wound with a gap of prescribed width between every adjacent turn (Column 2, lines 13 – 14) as in claims 1 and 11. However, Riboud fails to teach the adhesive tape having different widths, the adhesive tape is located at an upper layer having a larger width than that of the adhesive tape which is located at the lower layer, the width of the adhesive tapes increases stepwise toward the upper layer, the adhesive tapes each have a non-adhesive portion with no adhesive applied on both

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longitudinal sides of the adhesive tape, the positions of the gaps are different between adjacent layers in the thickness direction, wherein the width of the of the adhesive tapes in each layer stepwise increases and the adhesive tapes within a group all have a same width and the adhesive tapes having different widths being arranged such that he width of the adhesive tapes stepwise increases toward an outside so that the adhesive tape that is lowest has the smallest width and an adhesive tape that is uppermost has a largest width, and a width of an adhesive tape which is positioned in the middle of the uppermost and lowest adhesive tapes is between the largest and smallest width and the angle of winding increases from the lower layer to the upper layer.

Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12), the positions of the perforations are different between adjacent layers in the thickness direction (Figure 4, #32) and the adhesive tapes each have a non-adhesive portion with no adhesive applied on both longitudinal sides of the adhesive tape (Column 2, lines 23 – 29) as part of a lint removal tape (Column 4, line 63) for the purpose of having an outermost sheet that covers the perforations of the underneath layers which reduces instances of the tape tearing in a downweb direction (Column 1, lines 59 – 63).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the a upper layer having an increasing larger length the lower adhesive tape and the adhesive tape having non-adhesive portions in Riboud in order to

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have an outermost sheet that covers the perforations of the underneath layers which reduces instances of the tape tearing in a downweb direction as taught by Wood.

With regard to the limitations of “wherein the width of the of the adhesive tapes in each layer stepwise increases and the adhesive tapes within a group all have a same width and the adhesive tapes having different widths being arranged such that he width of the adhesive tapes stepwise increases toward an outside so that the adhesive tape that is lowest has the smallest width and an adhesive tape that is uppermost has a largest width, and a width of an adhesive tape which is positioned in the middle of the uppermost and lowest adhesive tapes is between the largest and smallest width and the angle of winding increases from the lower layer to the upper layer” and “wherein a width of gap between each turn continuously increases from an innermost layer with respect to the core tube, to an outermost layer, with respect to the core tube”, it is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape that would have been unforeseen or even an unforeseen result to one of ordinary skill in the art. Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape of the

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adhesive sheet to vary the width. One skilled in the art would have been motivated to do so in order to have the sheets fit smoothly around the core of the adhesive roller. MPEP 2144.04.

***Response to Arguments***

6. Applicant's arguments filed September 18, 2007 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicant's arguments that the prior art fails to teach or suggest that a size of the gap changes between sheets and the adhesive tapes having different widths, Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12). It is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape that would have been unforeseen or even an unforeseen result to one of ordinary skill in the art. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of the invention to change the shape of the adhesive sheet to vary the width. One skilled in the art would have been motivated to do so in order to have the sheets fit smoothly around the core of the adhesive roller. MPEP 2144.04.

Also, Applicant's arguments are not deemed persuasive since arguments cannot take the place of evidence in the record to overcome a rejection. See MPEP 2145. Applicant has shown no criticality with regard to either a size of the gap changes between sheets and the adhesive tapes having different widths.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-

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1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Patricia L. Nordmeyer  
Examiner  
Art Unit 1794

pln